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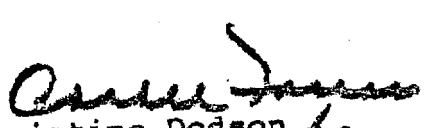
UNCLASSIFIED

MEMORANDUM FOR:

THE VICE PRESIDENT  
THE SECRETARY OF STATE  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE DIRECTOR, OFFICE OF MANAGEMENT  
AND BUDGET  
COUNSEL TO THE PRESIDENT  
CHAIRMAN, JOINT CHIEFS OF STAFF  
DIRECTOR OF CENTRAL INTELLIGENCE  
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION  
DIRECTOR, NATIONAL SECURITY AGENCY

SUBJECT: SCC Meeting on Intelligence Charters

Attached are the proposed statutory provisions concerning "special activities" drafted by the Charter Legislation Working Group as a result of the March 27 SCC meeting on this subject. These will be reviewed at the SCC meeting scheduled for April 17 and a decision will be made on which of the three alternatives for a Presidential Finding is most desirable.

  
Christine Dodson  
Staff Secretary

Attachment

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[NOTE: Approved For Release 2006/04/19 : CIA-RDP81B00401R001400190003-7  
Special activity is defined in title I to include any activity "conducted abroad which is (A) designed to further official United States programs and policies abroad, and (B) planned and executed so that the role of the United States Government is not apparent or acknowledged publicly. Such term does not include any counterintelligence or counterterrorism activity or the collection, retention, processing, dissemination and analysis of intelligence or related support functions, nor any diplomatic activity by the United States."]

## PART C: SPECIAL ACTIVITIES

### AUTHORIZATION FOR SPECIAL ACTIVITIES

Sec. 221. (a) Special activities may be conducted only by the Central Intelligence Agency, or, when military matters are involved or during a period of hostilities, by the Department of Defense, or, in unusual circumstances when the President determines that the intended United States objective is more likely to be achieved, by another department or agency.

(b) Support for any special activity may be provided by any department or agency if the authority approving the activity determines that the intended United States objective is not likely to be achieved without such support.

### APPROVAL FOR SPECIAL ACTIVITIES

Sec. 222. Special activities shall be reviewed and approved only as follows:

[NOTE: Whichever Alternative is chosen will be inserted here.]

ALTERNATIVE I

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Sec. 222. Special activities shall be reviewed and approved  
only as follows:

(a) Any special activity that involves substantial resources or risks may be conducted only after approval by the President. Such approval shall be based upon a finding by the President that the special activity is important to the national security of the United States and shall be preceded by a review by the National Security Council or a committee of the Council designated by the President for that purpose.

(b) Authority may be delegated by the President to a designated committee of the National Security Council to approve any category or type of special activity that does not involve substantial risks or resources. Such approval shall be based on a finding by the committee of the Council that the special activity will further the national security of the United States.

(c) Any member of the committee of the National Security Council designated by the President to approve special activities may request and obtain review and approval by the President of any activity that is permitted to be approved by that committee.

(d) Authority may be delegated by the President to the Secretary of Defense to approve any special activity conducted by the Armed Forces of the United States which relates to specific hostilities or imminent hostilities involving U.S. Armed Forces.

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Sec. 222. Special activities shall be reviewed and approved only as follows:

(a) Any special activity that:

(i) involves participation in paramilitary actions or advice or assistance with respect to such actions;

(ii) is intended to affect or influence the structure of a foreign government or the outcome of a foreign election for political office;

(iii) is designed to mislead a foreign government as to United States Government policy concerning a significant international issue; or

(iv) in the judgment of any member of the National Security Council or a committee of the Council designated by the President involves substantial resources or risks may be conducted only after approval by the President based on a finding by the President that the special activity is important to the national security of the United States, and shall be preceded by a review by the National Security Council or a committee of the Council designated for that purpose.

/NOTE: Various categories of special activities may be added to or deleted from this subsection.

(b) Any special activity that does not fall within subsection (a) may be approved by a committee of the National Security Council designated by the President for that purpose. Such approval shall be based on a finding by the committee of the Council that the special activity will further the national security of the United States.

(c) Authority may be delegated by the President to the  
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Secretary of Defense to approve any special activity by the  
Armed Forces of the United States which relates to specific  
hostilities or imminent hostilities involving U.S. Armed  
Forces.

ALTERNATIVE III

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Sec. 222. Special activities shall be reviewed and approved only as follows:

(a) Any special activity that in the judgment of any member of the National Security Council or a designated committee of the Council involves substantial resources or risks shall be conducted only after approval by the President. Such approval shall be based on a finding by the President that the special activity is important to the national security of the United States.

[NOTE: A further option here would involve the deletion of the phrase "or a designated committee of the Council." This would allow only statutory members of the NSC (which, aside from the President, includes the Vice President, and the Secretaries of State and Defense) to request Presidential approval of particular activities. This language could be altered further to allow as many or as few specified officials as deemed appropriate to make such requests.]

(b) Any special activity that does not fall within subsection (a) may be approved by a committee of the National Security Council designated by the President. Such approval shall be based on a finding by the committee of the Council that the special activity will further the national security of the United States.

(c) Authority may be delegated by the President to the Secretary of Defense to approve any special activity by the Armed Forces of the United States which relates to hostilities or imminent hostilities involving U.S. Armed Forces.

Sec. 223. The President shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on a timely basis of the facts and circumstances of any approved special activity. This subsection shall not be construed to require the approval of either committee prior to the initiation of any special activity.

PROHIBITION ON ASSASSINATION,

Sec. 224. No person employed by or acting on behalf of the United States Government shall engage, or conspire to engage, in assassination.

REPEALER

Sec. 225. Section 2422 of Title 22, United States Code, is repealed.